

C. B. D. T. Circulars

Circular No. 17 of 2021, dated 9th September, 2021

Subject: **Extension of time lines for filing of Income-tax returns and various reports of audit for the assessment year 2021-22—reg.**

On consideration of difficulties reported by the taxpayers and other stakeholders in electronic filing of Income-tax returns and various reports of audit under the provisions of Income-tax Act, 1961 (Act), the Central Board of Direct Taxes (CBDT), in exercise of its powers under section 119 of the Act, provides relaxation in respect of the following compliances :

1. The due date of furnishing of return of income for the assessment year 2021-22, which was July 31, 2021 under sub-section (1) of section 139 of the Act, as extended to September 30, 2021 vide Circular No. 9 of 2021 dated May 20, 2021¹, is hereby further extended to December 31, 2021 ;

2. The due date of furnishing of report of audit under any provision of the Act for the previous year 2020-21, which is September 30, 2021, as extended to October 31, 2021 vide Circular No. 9 of 2021 dated May 20, 2021, is hereby further extended to January 15, 2022 ;

3. The due date of furnishing report from an accountant by persons entering into international transaction or specified domestic transaction under section 92E of the Act for the previous year 2020-21, which is 31 st October 2021, as extended to November 30, 2021 vide Circular No. 9 of 2021 dated May 20, 2021, is hereby further extended to January 31, 2022 ;

4. The due date of furnishing of return of income for the assessment year 2021-22, which is October 31, 2021 under sub-section (1) of section 139 of the Act, as extended to 30th November 2021 vide Circular No. 9 of 2021 dated May 20, 2021, is hereby further extended to February 15, 2022 ;

5. The due date of furnishing of return of income for the assessment year 2021-22, which is November 30, 2021 under sub-section (1) of section 139 of the Act, as extended to December 31, 2021 vide Circular No. 9 of 2021 dated May 20, 2021, is hereby further extended to February 28, 2022 ;

6. The due date of furnishing of belated/revised return of income for the assessment year 2021-22, which is December 31, 2021 under sub-section (4)/sub-section (5) of section 139 of the Act, as extended to January 31, 2022, vide Circular No. 9 of 2021 dated May 20, 2021, is hereby further extended to March 31, 2022 ;

Clarification 1 : It is clarified that the extension of the dates as referred to in clauses (9), (12) and (13) of Circular No. 9 of 2021 dated May 20, 2021

1. See [2021] 434 ITR (St.) 49.

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and as referred to in clauses (1), (4) and (5) of this Circular shall not apply to *Explanation 1* to section 234A of the Act, in cases where the amount of tax on the total income as reduced by the amount as specified in clauses (i) to (vi) of sub-section (1) of that section exceeds one lakh rupees.

Clarification 2 : For the purpose of *Clarification 1*, in case of an individual resident in India referred to in sub-section (2) of section 207 of the Act, the tax paid by him under section 140A of the Act within the due date (without extension under Circular No. 9 of 2021 dated May 20, 2021 and this Circular) provided in that Act, shall be deemed to be the advance tax.

(Sd.)

Ravinder Maini,

Director to the Government of India.

[F. No. 225/49/2021/ITA-II]

FROM OUR REPORTER AT THE SUPREME COURT

Capital or revenue receipt

Subsidies received for technology improvement, focus marketing and electricity duty

31-8-2021 : Their Lordships A. M. KHANWILKAR, SANJIV KHANNA and J. K. MAHESHWARI JJ. *dismissed* the Department's special leave petition against judgment dated September 19, 2019 of the Rajasthan High Court in D. B. I. T. A. No. 31 of 2019 reported in 14 ITR-OL 583 whereby the High Court held that the subsidies received by the assessee as technology improvement fund, under the focus marketing scheme and the electricity duty subsidy under the Rajasthan Investment Promotion Scheme were capital receipts : PR. CIT *v.* NITIN SPINNERS LTD. : S. L. P. (C) No. 13405 of 2021.

Cash credits

Burden of proof

27-8-2021 : Their Lordships A. M. KHANWILKAR and SANJIV KHANNA JJ. *dismissed* the assessee's special leave petition against judgment dated February 17, 2021 of the Madras High Court in T. C. A. No. 875 of 2018 reported in 433 ITR 111 whereby the High Court held that the assessee had not discharged the legal obligation cast upon it to prove the genuineness of the transaction, the identity of the creditors and creditworthiness of the investors, who should have the financial capacity to make the investment in question to the satisfaction of the Assessing Officer so as to discharge